

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD HURRELE, individually and on behalf)  
of all others similarly situated,

Plaintiff,

v.

REAL TIME RESOLUTIONS, INC.,

Defendant.

No. 3:13-cv-05765-BHS

DEFENDANT'S NOTICE OF  
SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF MOTION TO  
STAY [DKT. 14]

Defendant Real Time Resolutions, Inc. submits this Notice of Supplemental Authority in Support of Motion to Stay [Dkt. 14]. Since the completion of briefing on Real Time's Motion to Stay, the following case has come to Real Time's attention, dismissing on summary judgment plaintiff's Telephone Consumer Protection Act claim where the dialing system lacked the present (as opposed to theoretical) capacity to randomly or sequentially generate numbers to be dialed: *Gragg v. Orange Cab, Co.*, --- F.Supp.2d ----, 2014 WL 494862, \*2 (W.D. Wash. Feb. 7, 2014) ("The Court will therefore determine the TaxiMagic program's status under the TCPA based on the system's **present**, not **potential**, capacity to store, produce, or call randomly or sequentially generated telephone numbers.") (emphasis original).

1 Dated this 12th day of February, 2014.

2 DAVIS WRIGHT TREMAINE LLP  
3 Attorneys for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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DATED this 12th day of February, 2014.

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